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July 26, 2019

Honorable Roslynn R. Mauskopf
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. George Gonzalez*
Docket No.: 17-CR-051

Dear Judge Mauskopf:

I write to supply the Court with additional information in anticipation of the continued sentencing proceedings scheduled for July 29, 2019. We thank Your Honor for the last adjournment, as it allowed me to support my wife during a difficult post-surgery recovery.

Mr. Gonzalez's 1990 Discharge from the Army

On the documents supplied to the Court by Probation, which included documents we supplied to Probation, Mr. Gonzalez's 1990 discharge from the Army is listed as "under honorable conditions." This differs from Mr. Gonzalez's separation from the Army in 1985 and in 2014, for which the character of service was listed as "honorable". My investigation has revealed that there are two forms of military discharge: (1) Administrative and (2) Punitive. For those service members who receive an administrative discharge, there are four types of administrative discharge: (1) Honorable; (2) General Discharge Under Honorable Conditions; (3) Other Than Honorable Discharge; and (4) Entry-Level Separation. If a military service member received a good or excellent rating for their service time, by exceeding standards for performance and personal conduct, they will be discharged from the military honorably. This is the form of discharge that Mr. Gonzalez received in both 1985 and in 2014. If a service member's performance is satisfactory but the individual failed to meet all expectations of conduct for military members, the discharge is considered a General Discharge Under Honorable Conditions. This is the form of discharge that Mr. Gonzalez received when he separated from the Army in 1990.

There are a number of reasons one might receive a general discharge under honorable conditions. Some examples include:

- failure to maintain military standards in weight;
- failure to maintain military standards in fitness;
- failure to maintain military standards in dress;
- failure to maintain military standards in appearance;
- failure to progress in your training; and
- minor disciplinary infractions.

This category of discharge can also be assigned when there is a medical reason for a discharge. This may be due to an injury that is suffered in the line of duty or even for a pre-existing condition that the individual did not know existed until their time in the military.

I have attempted to secure additional paperwork for the Court's consideration which may be able to shed further light on the circumstances of Mr. Gonzalez's discharge. Attached as Exhibit A to this letter is his Certificate of Discharge from 1990. Unfortunately, the narrative reason for separation lists only "unsatisfactory performance." In speaking further with Mr. Gonzalez, I believe that the reason for this discharge type arises from his medical condition at the time, in particular Mr. Gonzalez's prior medical condition, which resulted in his undergoing foot surgery in 1989 (*see* PSR p. 13, ¶55), and which affected his ability to maintain certain physical expectations for military service. As referenced throughout our sentencing memorandum and the presentence report, Mr. Gonzalez has suffered, and continues to suffer, from medical conditions that affect both of his feet.

I believe that Mr. Gonzalez's continued service as a member of the US Army Reserves and his return to active duty from 2000 to 2014, are evidence that his separation in 1990 was in no way discipline related. This separation comes after one year of a more than 19-year active duty service record, the vast majority of which merited honorable discharges, including at the time of his retirement in 2014.

Post-Traumatic Stress Disorder

With respect to additional evidence regarding the source of Mr. Gonzalez's PTSD, I have attempted to secure additional paperwork for the Court's consideration which demonstrates Mr. Gonzalez's presence at ground zero following 9/11. Unfortunately, I have been unable to locate any paperwork. Mr. Gonzalez's PTSD is referenced, however, throughout the psychiatric records provided to the Court both in my original sentencing submission, and in my July 1, 2019 supplemental submission. Additionally, I am attaching photographs taken by Mr. Gonzalez at ground zero. (*See* Exhibit B).

The Court's consideration of this additional information is greatly appreciated.

Respectfully submitted,

/S/ Edward V. Sapone
Edward V. Sapone

cc: A.U.S.A. Artie McConnell